

**TRANSPORTATION DEPARTMENT[761]**

**Adopted and Filed**

**Rule making related to emergency vehicle certificates**

The Transportation Department hereby amends Chapter 451, “Emergency Vehicle Certificate,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code sections 307.12 and 321.451(1).

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 321.231(2), 321.231(3), 321.231(4) and 321.451 as amended by 2022 Iowa Acts, Senate File 333, sections 2, 3 and 9, and sections 321.231(3A), 321.231A and 321.324A(3A) as enacted by 2022 Iowa Acts, Senate File 333, sections 4, 5 and 7, respectively.

*Purpose and Summary*

This rule making conforms Chapter 451 with 2022 Iowa Acts, Senate File 333. This legislation adds the following to the list of vehicles eligible under Iowa Code section 321.451 for a certificate of designation as an authorized emergency vehicle by the Department:

1. A vehicle privately owned by a certified chief or certified fire officer of a volunteer fire department, a fire department comprised of volunteer and paid members, or a nonprofit corporation delivering emergency services to a municipality under contract. The owner of the vehicle must provide proof of certification as a fire officer.

2. A vehicle privately owned by a chief, medical director, or certified medical provider of an authorized emergency medical service.

Prior to the Department approving an application, additional requirements for these categories of vehicles include that the owner must have completed an emergency vehicle operations course approved by either the Fire Service Training Bureau or the Department of Public Health as applicable, and that the owner must provide proof of financial liability coverage or risk pool coverage.

These amendments provide that a person seeking an authorized emergency vehicle certificate must meet the requirements set forth under Iowa Code section 321.451 as amended by Senate File 333, section 9, and in addition these amendments expand the permitted operations of an authorized emergency vehicle to allow the driver of an authorized emergency vehicle to operate the vehicle during parades, events and funeral processions as identified in newly enacted Iowa Code sections 321.231A and 321.324A. These amendments also align the Department’s authority to deny an application or revoke a certificate of designation with the amended and additional requirements for operation of an authorized emergency vehicle.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on November 30, 2022, as **ARC 6702C**. No public comments were received.

Since publication of the Notice of Intended Action, 2022 Iowa Acts, Senate File 333, has been codified. Therefore, references in this rule making to 2022 Iowa Acts, Senate File 333, have been removed accordingly. No other changes from the Notice have been made.

### *Adoption of Rule Making*

This rule making was adopted by the Department on January 11, 2023.

### *Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa beyond any impact anticipated by the legislation.

### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

### *Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

### *Effective Date*

This rule making will become effective on March 15, 2023.

The following rule-making actions are adopted:

ITEM 1. Amend rule 761—451.2(321) as follows:

#### **761—451.2(321) Authorized emergency vehicle certificate.**

**451.2(1) Application.** Application for a certificate which designates a privately owned vehicle as an authorized emergency vehicle shall be submitted to the motor vehicle division in the form and manner prescribed by the department. The department shall deny an application if the applicant does not establish for the department that the vehicle will be used as an authorized emergency vehicle, as described in Iowa Code section 321.451, ~~or~~ that the vehicle does not otherwise demonstrate necessity for the designation, or that the applicant does not meet the criteria for issuance of a certificate established by Iowa Code section 321.451.

**451.2(2)** No change.

**451.2(3) Limitation.** In addition to the provisions of Iowa Code ~~section~~ sections 321.231(2), 321.231(4), 321.231A, 321.324A(3A) and 321.451, a towing or recovery vehicle with a valid certificate of designation may only display illuminated emergency lights in one of the following circumstances:

*a.* and *b.* No change.

This rule is intended to implement Iowa Code sections 321.231, 321.231A, 321.324A(3A) and 321.451.

ITEM 2. Amend rule 761—451.3(17A,321) as follows:

#### **761—451.3(17A,321) Application denial or certificate revocation.**

**451.3(1)** The department may deny an application or revoke a certificate of designation if an applicant or certificate holder fails to comply with the applicable provisions of this chapter or Iowa Code section 321.231, 321.231A, 321.324A(3A) or 321.451; or if the certificate holder is no longer eligible for the certificate, or the certificate holder otherwise abuses the certification.

**451.3(2)** No change.

This rule is intended to implement Iowa Code chapter 17A and sections 321.13, 321.16, 321.231, 321.231A, 321.324A(3A) and 321.451.

[Filed 1/11/23, effective 3/15/23]

[Published 2/8/23]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 2/8/23.